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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,960	06/20/2000	D. Amnon Silverstein	10992107-1	5916

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EXAMINER

SAID, MANSOUR M

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 09/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/597,960

Applicant(s)
D. Amnon Silverstein

Examiner
Mansour M. Said

Art Unit
2673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 15, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, and 9-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, and 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit:

DETAILED ACTION

Response to Amendment

1. This Office Action is in respond to the Appeal Brief filed on May 14, 2003.
2. The finality dated on September 11, 2002 of claims 1-3, 5-7, and 9-19 are withdrawn in view of the newly discovered reference(s).
3. Applicant's arguments with respect to claims 1-3, 5-7, and 9-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 7, 9-12, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derocher in view of Kikinis et al. (5,822,230; hereinafter referred to as Kikinis).**

As to claims 1 and 18, Derocher (figures 3-6) teaches a computer mouse (10/10' and (collapsible length mouse, (40)) comprising a motion sensor (column 4, lines 40-54); and a

Art Unit:

collapsible housing (housing, (figure 6, (42)), (figure 14, (90)), for the motion sensor (column 4, lines 1-67; column 5, lines 1-27; column 6, lines 15-67; and column 7, lines 1-67); and . a base (figure 5, (42)) & (figure 19, (112)), and an upper portion (figure 5, (44)) & (figure 19, (114)), and , the upper portion an elastic material (flexible rubber-like upper surface, (column 6, lines 32-34) being made of a collapsible material (column 5, lines 1-44; column 6, lines 17-52 and column 7, lines 1-23).

Derocher does not disclose that a PCMCIA slot so that a mouse is sized to fit when the housing is fully collapsed.

However, Kikinis teaches a notebook computer with a PCMCIA slot (figures 1-5) (column 5, lines 55-67 and column 6, lines 1-67).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate Kikinis's notebook computer having PCMCIA slot into Derocher's collapsible portable mouse so as to increase the versatility of the device.

As to claim 7, Derocher teaches (figures 4-7) wherein the resilient plastic sheet includes a top portion, a base and inwardly-collapsible sidewalls between the top portion and the base, the sidewalls having the fold lines (column 5, lines 1-67; column 6, lines 32-40 and column 7, lines 1-18).

As to claim 9, Derocher (figures 4, 18 & 20) teaches a retractable cable (cable (24)), assembly within the housing (column 4, lines 15-39, and column 7, lines 44-53).

Art Unit:

As to claim 10, Derocher (figure 2) teaches a transmitter (transceiver, (26)) within the housing (column 4, lines 15-27).

As to claims 11 and 16, Derocher (figures 3-6) teaches a computer mouse (10/10' and (collapsible length mouse, (40)) comprising a motion sensor (column 4, lines 40-54); and a collapsible housing (housing, (figure 6, (42)), (figure 14, (90)), for the motion sensor (column 4, lines 1-67; column 5, lines 1-27; column 6, lines 15-67; and column 7, lines 1-67); and . a base (figure 5, (42)) & (figure 19, (112)), and an upper portion (figure 5, (44)) & (figure 19, (114)), and , the upper portion being made of a collapsible material (column 5, lines 1-44; column 6, lines 17-52 and column 7, lines 1-23).

Derocher does not disclose that a PCMCIA slot so that a mouse is sized to fit when the housing is fully collapsed.

However, Kikinis teaches a notebook computer with a PCMCIA slot (figures 1-5) (column 5, lines 55-67 and column 6, lines 1-67).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate Kikinis's notebook computer having PCMCIA slot into Derocher's collapsible portable mouse so as to increase the versatility of the device.

6. Claims 2-3, 5-6, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derocher in view of Weiss (6,492,975 B1).

Art Unit:

As to claims 5 and 19, Derocher teaches computer mouse comprising sensor (column 1, lines 5-25, column 4, lines 40-53, and column 10, lines 5-12); collapsible housing for sensor (column 6, lines 32-40 and column 7, lines 1-18, the collapsible housing including a rigid base and an upper portion attached to the base, the upper portion made of ((column 5, lines 40-44) an elastic material (column 6, lines 32-34) that allows the housing to be collapsed (column 5, lines 1-44; column 6, lines 17-52 and column 7, lines 1-23).

Derocher does not disclose a motion sensor.

However, Weiss teaches a motion sensor (column 4, lines 10-20).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine Weiss's computer mouse having motion sensor into Derocher system so as to alert the user of the mouse's position (column 40-45).

As to claim 2, Derocher (figures 4-6, 11-13 & 18) teaches wherein the housing is collapsible into a relatively flat structure (column 6, lines 17-32).

As to claim 3, Derocher teaches wherein the motion sensor includes an optical sensor (column 4, lines 40-53).

As to claim 6, Derocher teaches computer mouse comprising a sensor (column 1, lines 5-25, column 4, lines 40-53, and column 10, lines 5-12); and a collapsible housing including a resilient plastic sheet having fold lines that allow the housing to collapse into a relatively flat structure (figures 4-6, 11-13 & 18), (column 6, lines 17-52 and column 7, lines 44-67).

Derocher does not disclose a motion sensor.

Art Unit:

However, Weiss teaches a motion sensor (column 4, lines 10-20).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine Weiss's computer mouse having motion sensor into Derocher system so as to alert the user of the mouse's position (column 40-45).

As to claim 12, Derocher teaches wherein the housing has a deflectable mouse button area; and wherein the mouse further comprising at least one sensor for detecting when the area is deflected; whereby deflecting the area corresponds to clicking a mouse button (column 4, lines 40-67 and column 10, lines 11-12).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Derocher in view of Weiss as applied to claim 5, and further in view of Smith (6,055,592).

As to claim 13, Derocher and Weiss teach a bendable strip cantilevered from the housing whereby bending the strip corresponds to clicking a mouse button.

Derocher and Weiss do not expressly disclose that a sensor within the housing for detecting when the strip is bent (mouse click).

However, Smith (figure 1 and 2) teaches click mouse button (102, and a sensor (position sensor, (224)) for detecting when the strip (mouse click area) is bent (column 3, lines 30-67).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to utilize smith's input device having position sensor into Derocher's modified system so as to increase the use of the input device.

Art Unit:

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Derocher in view of Kikinis as applied to claim 6, and further in view of Smith (6,055,592).

As to claim 14, Derocher and Kikinis teach all claimed limitation except that a sensor within the housing for detecting when the strip is bent.

However, Smith (figure 1 and 2) teaches click mouse button (102, and a sensor (position sensor, (224)) for detecting when the strip (mouse click area) is bent (column 3, lines 30-67).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to utilize smith's input device having position sensor into Derocher's modified system so as to increase the use of the input device.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Derocher in view of Weiss, and further in view of Lee (6,392,632 B1).

As to claim 15, Derocher teaches computer mouse comprising sensor (column 1, lines 5-25, column 4, lines 40-53, and column 10, lines 5-12); collapsible housing for sensor (column 6, lines 32-40 and column 7, lines 1-18, the collapsible housing including a rigid base and an upper portion attached to the base, the upper portion made of ((column 5, lines 40-44) an elastic material (column 6, lines 32-34) that allows the housing to be collapsed (column 5, lines 1-44; column 6, lines 17-52 and column 7, lines 1-23).

Derocher does not disclose a motion sensor.

However, Weiss teaches a motion sensor (column 4, lines 10-20).

Art Unit:

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine Weiss's computer mouse having motion sensor into Derocher system so as to alert the user of the mouse's position (column 40-45).

Derocher and Weiss don't expressly teach a sensor chip movable.

However, Lee teaches a sensor chip movable (column 1, lines 5-45).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine Lee's computer mouse having sensor chip into Derocher system so as to calculate the movement of the dot (column 40-45).

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Derocher in view of Kikinis as applied to claim 16 above, and further in view of Karidis et al. (6,362,440 B1; hereinafter referred to as Karidis).

Derocher and Kikinis disclose all claimed limitations in claim 17 except that a flat battery within the housing (column 7, lines 5-16; column 8, lines 1-12).

However, Karidis disclose a laptop computer comprising a flat batteries (column 7, lines 5-16 and column 8, lines 1-12).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine Karidis's portable computer device having a flat battery into Derocher's modified system so as allow the profile of the unit to be desirably reduced (column 8, lines 5-9).

Art Unit:

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klein et al. (6,205,021) teaches a method for operating an input device and a laptop computer.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mansour M. Said** whose telephone number is **(703) 306-5411**.

The examiner can normally be reached on Monday through Thursday from 8:30 a.m. to 6:00 p.m. The examiner can also be reached on alternate Friday from 8:30 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Shalwala Bipin**, can be reached at **(703) 305-4938**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

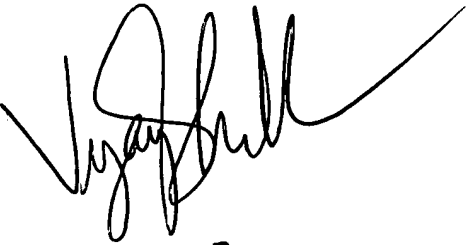
Art Unit:

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer service Office whose telephone number is (703) 306-0377.

Patent Examiner

September 17, 2003

Mansour M. Said



**VIJAY SHANKAR
PRIMARY EXAMINER**